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10/520,762	07/25/2005	Jean Marc Auriol	3978-17 (185766)	5085

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 08/24/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

**Box 1(C): Contd.                      *Amendment to the Specification***

The amendment to the specification filed on May 19, 2009 does not comply with the requirements of 37 CFR 1.121(b) because **1)** the amendment of May 19, 2009 presents two sets of amendments to the specification, **2)** the amendment of May 19, 2009 fails to present changes to the specification as by an instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs, **3)** the amendment of May 19, 2009 fails to present changes to the specification as by submitting the full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters, **4)** the amendment of May 19, 2009 fails to present changes to the specification as by a reference to the section heading along with an instruction, which unambiguously identifies the location, to delete that section of the specification and to replace such deleted section with a replacement section, **5)** the amendment of May 19, 2009 fails to present changes to the specification as by submitting a replacement section with markings to show all changes relative to the previous version of the section. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may

be used to show deletion of five or fewer consecutive characters, and 6) the amendment of May 19, 2009 fails to present changes to the specification as by submitting an instruction to replace the specification; and submitting a substitute specification in compliance with §§ 1.125(b) and (c).

Amendments to the specification filed on or after July 30, 2003 must comply with 37 CFR 1.121(b) which states:

(b) Specification . Amendments to the specification, other than the claims, computer listings (§ 1.96) and sequence listings (§ 1.825), must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section.

(1) Amendment to delete, replace, or add a paragraph . Amendments to the specification, including amendment to a section heading or the title of the invention which are considered for amendment purposes to be an amendment of a paragraph, must be made by submitting:

(i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;

(ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived;

(iii) The full text of any added paragraphs without any underlining; and

(iv) The text of a paragraph to be deleted must not be presented with strike-through or placed within double brackets. The instruction to delete may identify a paragraph by its paragraph number or include a few words from the beginning, and end, of the paragraph, if needed for paragraph identification purposes.

(2) Amendment by replacement section . If the sections of the specification contain section headings as provided in § 1.77(b), § 1.154(b), or § 1.163(c), amendments to the specification, other than the claims, may be made by submitting:

(i) A reference to the section heading along with an instruction, which unambiguously identifies the location, to delete that section of the specification and to replace such deleted section with a replacement section; and

(ii) A replacement section with markings to show all changes relative to the previous version of the section. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-

through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived.

(3) Amendment by substitute specification . The specification, other than the claims, may also be amended by submitting:

- (i) An instruction to replace the specification; and
- (ii) A substitute specification in compliance with §§ 1.125(b) and (c).

(4) Reinstatement of previously deleted paragraph or section . A previously deleted paragraph or section may be reinstated only by a subsequent amendment adding the previously deleted paragraph or section.

(5) Presentation in subsequent amendment document . Once a paragraph or section is amended in a first amendment document, the paragraph or section shall not be represented in a subsequent amendment document unless it is amended again or a substitute specification is provided.

It has been noted that two sets of changes to the specification appear to have been submitted on May 19, 2009. Applicant shall clearly set forth any amendments to the specification without ambiguity as to what is in fact being amended in accordance with 37 CFR 1.121(b).

Further, the proposed amendment(s) to the specification appear to introduce new matter with reference to "identification label readers 320" as well as reference to "identification labels 240".

Amendments to the specification filed on or after July 30, 2003 must comply with 37 CFR 1.121(f) which states:

(f) No new matter. No amendment may introduce new matter into the disclosure of an application.

**Box 3(C): Contd.**

***Amendment to the Drawings***

The amendment to the claims filed on May 19, 2009 does not comply with the requirements of 37 CFR 1.121(c) because **1)** the amendment of May 19, 2009 fails to

present changes to the application drawing(s) in compliance with § 1.84(t) *and* **2)** the amendment of May 19, 2009 appears to introduce new matter into the disclosure with illustration of "identification labels 240" and illustration of "identification label readers 320".

Amendments to the drawings filed on or after July 30, 2003 must comply with 37 CFR 1.84(t) which states:

(t) Numbering of sheets of drawings . The sheets of drawings should be numbered in consecutive Arabic numerals, starting with 1, within the sight as defined in paragraph (g) of this section. These numbers, if present, must be placed in the middle of the top of the sheet, but not in the margin. The numbers can be placed on the right-hand side if the drawing extends too close to the middle of the top edge of the usable surface. The drawing sheet numbering must be clear and larger than the numbers used as reference characters to avoid confusion. The number of each sheet should be shown by two Arabic numerals placed on either side of an oblique line, with the first being the sheet number and the second being the total number of sheets of drawings, with no other marking.

Amendments to the drawings filed on or after July 30, 2003 must comply with 37 CFR 1.121(f) which states:

(f) No new matter. No amendment may introduce new matter into the disclosure of an application.

*Applicant is reminded that any drawings submitted with an application for patent as well as any amendment(s) to the drawings shall be in compliance with 37 CFR 1.84.*

**Box 4(C): Contd.**

***Amendment to the Claims***

The amendment to the claims filed on May 19, 2009 does not comply with the requirements of 37 CFR 1.121(c) because **1)** the amendment of May 19, 2009 presents two listings of claims or two listings of claim amendments *and* **2)** the amendment to the

claims either does not set forth the appropriate status identifier for each listed claim or does not indicate the changes to be made as by underlining to indicated matter which has been added and strike-through to indicate matter which has been deleted.

Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR

1.121(c) which states:

(c) *Claims.* Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing.* All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously

presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

**Box 4(E): Contd.** It has been noted that two sets of claims appear to have been submitted on May 19, 2009. Applicant shall clearly set forth any amendments to the claims without ambiguity as to what is in fact being amended in accordance with 37 CFR 1.121(c).

Since the reply filed on May 19, 2009 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL SAFAVI whose telephone number is (571)272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Safavi/  
Primary Examiner, Art Unit 3637

M. Safavi  
August 10, 2009